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Christopher Rogers, Chief
Highly Migratory Species Management Division
Office of Sustainable Fisheries (F/SF1), NMFS
1315 East-West Highway
Silver Spring, MD 20910-3282 USA
FAX # : 301-713-1917

RE: Atlantic Highly Migratory Species (HMS) Fishing Vessel Permits; Charter Boat Operations

Chief Rogers,

Please accept these comments from Aquatic Release Conservation on the above mentioned referenced proposals and enter them into the records as our Public Comments. We are commenting as a past HMS commercial shark fishery participant, as a current recreational HMS participant, a conservation organization, as a conservation gear manufacturer (industry), and as a constituent.

Proposal:

Under the framework provisions of the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMC), NMFS proposes to amend the consolidated regulations governing the Atlantic HMS fisheries to:

Require an Atlantic HMS recreational permit;

Comment:

Aquatic Release Conservation (ARC) fully endorses this measure and proposal and recommends its implementation, as it will provide the critically needed data in which to more accurately assess the status of the Atlantic HMS fishery in the recreational sector. Historically, CPUE, population dynamics, management throughout their range, and a general knowledge of how the recreational HMS fishery effects the overall HMS fishery, nationally and internationally, is mostly **unknown**. This measure if implemented, would bridge the gap of information that the managers and academia need to correctly assess the entire US HMS fishery as a whole and propose and implement fair and reasonable management measures that protect endangered and protected species throughout their range, regulatory and economic discards, and the fishing rights of both the LIS commercial and recreational fleets.

Currently the exact universe of how many recreational HMS vessels participating in the fishery is not fully known. Permitting of these vessels will allow for this information to be more exact and will provide managers with a better understanding of the dynamics of this fishery.

In addition, this proposal if implemented would allow for the transference of successful and proven techniques and technologies that already exist and that are currently being developed in the commercial sector in cooperation with NMFS, in an effort to reduce interactions with endangered and protected species and other discards, and reduce the post release mortality of those species which cannot be avoided, consistent with the Magnuson-Stevens ACT, the ESA, and the MMPA.

The proposed HMS recreational permitting system would greatly streamline the regulatory and enforcement process and allow managers to build on the progress that has already been made in the commercial sector. It will also send a strong message to the international community that the US HMS fishery is self regulating and willing to go above and beyond the international norm to conserve endangered and protected species and continue to uphold the US commitments to international agreements already ratified by ICCAT as well as other international agreements.

Most in this fishery realize that to successfully regulate and conserve a highly migratory species, it is critical to collect the data, regulate, and manage the HMS throughout their entire range. The general nature of the HMS fishery is that these species migrate from one geographical region to the next, nationally and internationally, and if management and conservation of these species is to be successful, managers, academia, environmental groups, conservation organizations, the recreational and commercial user groups, and the public must have access to the data and coordinate their efforts in order to protect and conserve our common US HMS resource throughout their range.

Historically, the recreational HMS fishery has practiced ethical and conservative fishing habits and have been willing to cooperate with the existing data collection system. Although the existing data collection system in the HMS recreational sector may be somewhat inadequate, ARC believes that the HMS recreational fishery will continue this type of cooperation and continue to do their part for conservation of this common fishery resource by adopting this proposal to issue recreational HMS permits. The proposed cost of the permit should not adversely effect the fishery. The long term benefits derived from recreational HMS permitting would far outweigh any short term costs.

Equally important, will be the observer coverage programs that should accompany this permitting system. The past successful performance of these types of observer programs is evidence in the commercial sector and should be adopted by the recreational sector as another important management tool to assess the fishery in a non-bias manner and in cooperation with the effected user groups. Cooperation, coordination, and communication between management, academia, the user groups, and the environmental groups is further enhanced by this type of observer coverage as it provides a better understanding of the fishery and ensures compliance of the adopted regulations and management measures as well as limits litigation arising from misunderstandings between the effected user groups. Congress should support and fund these types of observer programs as an essential management tool that will aid in the rapid conservation and recovery of this fishery.

NMFS is requesting comments on, but not proposing at this time, an extension of the existing condition on commercial HMS permits to require that permit holders abide by more restrictive Federal regulations regardless of whether fishing occurs within or beyond the exclusive economic zone (EEZ).

Comment:

As previously stated, the nature of this particular fishery would necessitate and require management throughout their range, i.e., State, Federal (EEZ) and beyond the EEL. ARC supports this strategy and recommends its proposal and implementation as an effective management tool, specifically for this fishery, due to its highly migratory nature and to protect our CJS interests from international domination and exploitation in this fishery. We are however concerned that non-compliance by the international fleets beyond the US EEZ on already ratified agreements may adversely effect the US fleets ability to supply our nation with a viable food source, compete international in this fishery, detriment conservation efforts, and effect recreational opportunities if the US recreational and commercial fleets are the only user groups complying with international agreements and US management regimes beyond the EEZ.

ARC further recommends that the concerned environmental groups apply pressure to the international community for more stringent conservation efforts and compliance with existing agreements that would compliment the US management measures beyond the EEZ rather than let the international community ignore agreements or detriment the US ability to compete internationally and conserve and protect the resource.

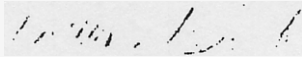
It is well known and has been established for some time that the environment community possesses the political and academic clout to apply pressure to the international community in a fair, reasonable, and timely manner. If the US HMS fisheries are to adopt and *abide by more restrictive Federal regulations regardless of whether fishing occurs within or beyond the exclusive economic zone (EEZ)*, our US fisheries will need the support and protection of the environmental groups and the political and academic clout and pressure that they can apply to the international community to provide for fair and equitable treatment of all HMS fisheries, thus allowing management and conservation efforts to become more effective.

The environmental groups have gone a long way to protect and conserve our common resource in the US as is evidenced by the many successful management measures they helped to implement, but is now needed to apply the same conservation measures and pressure internationally. By doing so, US management beyond the EEZ will be more effective and will coordinate efforts to protect and conserve the resource throughout their range without imposing unreasonable restrictions exclusively on our own fishery.

Conclusion:

ARC supports and endorses the Atlantic Highly Migratory Species (HMS) Fishing Vessel Permits; Charter Boat Operations measures as are proposed and advocates cooperation, communication, and coordination between Congress, management, academia, the environmental groups, user groups, conservation groups, and the public as positive and effective method to manage and conserve our common US fishery resources as well as protect endangered and protected species throughout their range nationally and internationally.

We would like to thank NMFS and Chief Rogers **for** giving Aquatic Release Conservation the opportunity to voice our public comments **and** concerns. We have participated in HMS fishery in one manner **or** the other **for** over thirty years and although we speak only **for** **our** organization, there **are** many others that believe **as** we **do** in cooperation, **communication**, **and** coordination. We appreciate the opportunity **to** further **this** effort in this forum.



Shawn Dick / CEO
Aquatic Release Conservation